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REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed January 11, 2006. In the Office Action, the Examiner notes that claims 1-20 and 38-51 are pending and rejected. By this response, Applicants have amended claims 1, 11-12, 14-16, and 43; added new claim 52; and cancelled claims 8-10.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. § 103.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response including amendments.

Amendments to the Claims, and the New Claims

By this response, Applicants have amended claims 1, 11-12, 14-16, and 43; and added new claim 52. The amendments to the claims, and the new claim, are fully supported by the Application as originally filed.

For example, the amendments to claims 1, 16 and 43, as well as similar language in new claim 52, which recite a set top terminal comprising an LAN connector to receive and transmit data to/from the scheduling web site, are supported at least by page 10, lines 16-20, and page 22, lines 9-14 of the Specification. Amendments which recite that the LAN connector is an ethernet LAN connector are supported at least by page 34, lines 21-22. Amendments which recite that the address of the scheduling website is provided to the receiver module along with the program data are supported at least by page 41, lines 7-11, and page 55, lines 10-14.

Thus, no new matter has been added and the Examiner is respectfully requested to enter the amendments to the claims and the newly added claim.

35 U.S.C. §103 Rejection of Claims 1, 38, 40-41, 43-47 and 49-51

The Examiner has rejected claims 1, 38, 40-41, 43-47 and 49-51 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,357,276 to Banker et al. ("Banker '276") in view of U.S. Patent 6,058,424 to Dixon et al. ("Dixon") and U.S.

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Patent Application Publication to Boyer et al. ("Boyer"). Applicants respectfully traverse the rejection.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. The Banker '276, Dixon and Boyer references, alone or in combination, fail to teach or suggest all of the limitations recited in claim 1, and thus fail to teach or suggest Applicants' invention as a whole.

Specifically, the Banker '276, Dixon and Boyer references fail to teach at least a set top terminal comprising "an ethernet LAN connector to receive electronic program guide data from the scheduling web site and send a program selection to the scheduling web site," and a receiver module to receive program data including an address for the scheduling web site, as recited in the claim as amended.

The Banker '276 reference discloses a subscription television system in which near video on demand (NVOD) events may be ordered by a subscriber. The Dixon reference discloses a process in which a client may "select a multimedia asset from a listing on an HTML page presented to the client" (column 5, lines 24-25). The Boyer reference discloses an internet television program guide system (see abstract). However, the Banker '276, Dixon and Boyer references all fail to teach or suggest a set top terminal having an ethernet LAN connector to receive electronic program guide data from a web site and send an order to a web site and a set top terminal having a receiver module to receive program data including an address for the scheduling web site.

Thus, the Banker '276, Dixon and Boyer references fail to teach or suggest Applicants' invention as a whole.

As such, Applicants submit that independent claim 1 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Moreover, independent claim 43 contains substantially similar relevant limitations as those discussed above in regards to claim 1, and is therefore also patentable. Furthermore, claims 38, 40-41, 44-47 and 49-51 depend directly or indirectly from Independent claim 1 and recite additional limitations thereof. Accordingly, for at least the same reasons as discussed above, dependent claims 38, 40-41, 44-47, and 49-51 also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

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Therefore, Applicants respectfully request that the Examiner's rejections be withdrawn.

35 U.S.C. §103 Rejection of Claims 2-7

The Examiner has rejected claims 2-7 under 35 U.S.C. §103(a) as being unpatentable over Banker '276, Dixon and Boyer in view of U.S. Patent 5,539,450 to Handelman (hereinafter "Handelman"). Applicants respectfully traverse the rejection.

Claims 2-7 depend, either directly or indirectly, from independent claim 1, and recite additional features thereof. Moreover, claim 1 is patentable over the Banker '276, Dixon and Boyer references at least for the reasons discussed above. Accordingly, any attempted combination of the Banker '276, Dixon and Boyer references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the rejection against the independent claim. As such, Applicants submit that dependent claims 2-7 are also not obvious and are patentable under 35 U.S.C. §103.

35 U.S.C. §103 Rejection of Claims 8 and 14

The Examiner has rejected claims 8 and 14 under 35 U.S.C. §103(a) as being unpatentable over Banker '276, Dixon and Boyer in view of U.S. Patent 5,412,720 to Hoarty et al. ("Hoarty"). The Applicants have cancelled claim 8, and thus the rejection against this claim is moot. Applicants respectfully traverse the rejection regarding claim 14.

Claim 14 depends, either directly or indirectly, from independent claim 1, and recites additional features thereof. Moreover, claim 1 is patentable over the Banker '276, Dixon and Boyer references at least for the reasons discussed above. Accordingly, any attempted combination of the Banker '276, Dixon and Boyer references with any other additional references, in a rejection against the dependent claim, would still result in a gap in the combined teachings in regards to the rejection against the independent claim. As such, Applicants submit that dependent claim 14 is also not obvious and is patentable under 35 U.S.C. §103.

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35 U.S.C. §103 Rejection of Claims 9, 10, 11 and 15

The Examiner has rejected claims 9, 10 and 15 under 35 U.S.C. §103(a) as being unpatentable over Banker '276, Dixon, Boyer and Hoarty in view of Handelman. The Applicants have cancelled claims 9 and 10, and thus the rejection against these claims is moot. The Applicants respectfully traverse the rejection regarding claims 11 and 15.

Claims 11 and 15 depend, either directly or indirectly, from independent claim 1 and recite additional features thereof. Moreover, for at least the reasons discussed above, the Banker '276, Dixon, and Boyer references fail to teach or suggest Applicants' invention as a whole, as recited in claim 1. Accordingly, any attempted combination of the Banker '276, Dixon, and Boyer references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the rejection against the independent claim. As such, Applicants submit that dependent claims 11 and 15 are also not obvious and are patentable under 35 U.S.C. §103.

35 U.S.C. §103 Rejection of Claim 12

The Examiner has rejected claim 12 under 35 U.S.C. §103(a) as being unpatentable over Banker '276, Dixon, Boyer and Hoarty in view of U.S. Patent 4,686,564 to Masuko et al. ("Masuko"). Applicants respectfully traverse the rejection.

Claim 12 depends directly from independent claim 1 and recites additional features thereof. Moreover, for at least the reasons discussed above, the Banker '276, Dixon, and Boyer references fail to teach or suggest Applicants' invention as a whole, as recited in claim 1. Accordingly, any attempted combination of the Banker '276, Dixon, and Boyer references with any other additional references, in a rejection against the dependent claim, would still result in a gap in the combined teachings in regards to the rejection against the independent claim. As such, Applicants submit that dependent claim 12 is also not obvious and is patentable under 35 U.S.C. §103.

35 U.S.C. §103 Rejection of Claim 13

The Examiner has rejected claim 13 under 35 U.S.C. §103(a) as being unpatentable over Banker '276, Dixon, Boyer, Hoarty and Masuko in view of U.S. Patent

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5,734,853 to Hendricks et al. ("Hendricks '853"). Applicants respectfully traverse the rejection.

Claim 13 depends indirectly from independent claim 1 and recites additional features thereof. Moreover, for at least the reasons discussed above, the Banker '276, Dixon and Boyer references fail to teach or suggest Applicants' invention as a whole, as recited in claim 1. Accordingly, any attempted combination of the Banker '276, Dixon, and Boyer references with any other additional references, in a rejection against the dependent claim, would still result in a gap in the combined teachings in regards to the rejection against the independent claim. As such, Applicants submit that dependent claim 13 is also not obvious and is patentable under 35 U.S.C. §103.

35 U.S.C. §103 Rejection of Claim 16

The Examiner has rejected claim 16 under 35 U.S.C. §103(a) as being unpatentable over Banker '276, Dixon and Boyer in view of U.S. Patent 5,317,391 to Banker et al. ("Banker '391"). Applicants respectfully traverse the rejection.

For at least the reasons discussed above, the Banker '276, Dixon and Boyer references fail to teach or suggest Applicants' invention, as recited in claim 1, as a whole. Moreover, independent claim 16 contains substantially similar relevant limitations as those discussed above in regards to claim 1. Therefore, the Banker '276, Dixon and Boyer references also fail to teach or suggest Applicants' invention, as recited in claim 16, as a whole.

Furthermore, the Banker '391 reference fails to bridge the substantial gap between the Banker '276, Dixon and Boyer references and Applicants' invention as recited in claim 16. Banker '391 discloses a subscriber terminal apparatus for a television in an in-band subscription television system (see abstract). However, the Banker '391 reference also does not teach or suggest "providing the electronic program guide data to an ethernet LAN connection at a set top terminal from a scheduling web site," and "receiving a program order at the scheduling web site from the ethernet LAN connection at the set top terminal," and "broadcasting the digital programming and an address of the scheduling website to the receiver module at the set top terminal," as recited in claim 16 as amended.

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As such, Applicants submit that independent claim 16 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claim 17

The Examiner has rejected claim 17 under 35 U.S.C. §103(a) as being unpatentable over Banker '276, Dixon, Boyer and Banker '391 in view of Masuko and Hendricks '853. Applicants respectfully traverse the rejection.

Claim 17 depends directly from independent claim 16, and recites additional features thereof. Moreover, for at least the reasons discussed above, the Banker '276, Dixon, Boyer, and Banker '391 references fail to teach or suggest Applicants' invention as a whole, as recited in claim 16. Accordingly, any attempted combination of the Banker '276, Dixon, Boyer and Banker '391 references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the rejection against the independent claim. As such, Applicants submit that dependent claim 17 is also not obvious and is patentable under 35 U.S.C. §103.

35 U.S.C. §103 Rejection of Claims 18-20

The Examiner has rejected claims 18-20 under 35 U.S.C. §103(a) as being unpatentable over Banker '276, Dixon, Boyer and Banker '391 in view of Handelman. Applicants respectfully traverse the rejection.

Claims 18-20 depend, directly or indirectly, from independent claim 16, and recite additional features thereof. Moreover, for at least the reasons discussed above, the Banker '276, Dixon, Boyer and Banker '391 references fail to teach or suggest Applicants' invention as a whole, as recited in claim 16. Accordingly, any attempted combination of the Banker '276, Dixon, Boyer and Banker '391 references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the rejection against the independent claim. As such, Applicants submit that dependent claims 18-20 are also not obvious and are patentable under 35 U.S.C. §103.

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35 U.S.C. §103 Rejection of Claim 39

The Examiner has rejected claim 39 under 35 U.S.C. §103(a) as being unpatentable over Banker '276, Dixon and Boyer in view of U.S. Patent 5,659,350 to Hendricks et al. ("Hendricks '350"). Applicants respectfully traverse the rejection.

Claim 39 depends indirectly from independent claim 1, and recites additional features thereof. Moreover, claim 1 is patentable over the Banker '276, Dixon and Boyer references at least for the reasons discussed above. Accordingly, any attempted combination of the Banker '276, Dixon and Boyer references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the rejection against the independent claim. As such, Applicants submit that dependent claim 39 is also not obvious and is patentable under 35 U.S.C. §103.

35 U.S.C. §103 Rejection of Claim 42

The Examiner has rejected claim 42 under 35 U.S.C. §103(a) as being unpatentable over Banker '276, Dixon and Boyer in view of U.S. Patent 5,600,364 to Hendricks ("Hendricks '364"). Applicants respectfully traverse the rejection.

Claim 42 depends directly from independent claim 1, and recites additional features thereof. Moreover, for at least the reasons discussed above, the Banker '276, Dixon and Boyer references fail to teach or suggest Applicants' invention as a whole, as recited in claim 1. Accordingly, any attempted combination of the Banker '276, Dixon and Boyer references with any other additional references, in a rejection against the dependent claim, would still result in a gap in the combined teachings in regards to the rejection against the independent claim. As such, Applicants submit that dependent claim 42 is also not obvious and is patentable under 35 U.S.C. §103.

35 U.S.C. §103 Rejection of Claim 48

The Examiner has rejected claim 48 under 35 U.S.C. §103(a) as being unpatentable over Banker '276, Dixon and Boyer in view of U.S. Patent 5,844,552 to Gaughan et al. ("Gaughan"). Applicants respectfully traverse the rejection.

Claim 48 depends directly from independent claim 1, and recites additional features thereof. Moreover, for at least the reasons discussed above, the Banker '276,

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Dixon and Boyer references fail to teach or suggest Applicants' invention as a whole, as recited in claim 1. Accordingly, any attempted combination of the Banker '276, Dixon and Boyer references with any other additional references, in a rejection against the dependent claim, would still result in a gap in the combined teachings in regards to the rejection against the independent claim. As such, Applicants submit that dependent claim 48 is also not obvious and is patentable under 35 U.S.C. §103.

Official Notices

The Office Action takes numerous Official Notices. Applicants hereby traverse each Official Notice. The Examiner alleges that certain apparatuses and/or methods are well known in the art. However, the Applicants respectfully disagree. These apparatuses and/or methods may not be well known within the specific art of the present invention and as specifically recited in their respective claims. Furthermore, it may not be well known to combine the allegedly well known apparatuses and/or methods with other apparatuses and/or methods recited in the respective claims or in other claims from which the respective claims may depend.

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CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are obvious under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Stephen Guzzi at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: _____

4/11/06


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